VIOLENCE IN THE WORKPLACE REGULATIONS

Regulations made pursuant to the

Occupational Health and Safety Act
Statutes Of Nova Scotia
1996, Chapter 7

Province of Nova Scotia
Halifax, Nova Scotia

NOTE

This edition is prepared for convenience only. For an accurate reference, please refer to the Royal Gazette.

Violence in the Workplace Regulations

made under Section 82 of the
Occupational Health and Safety Act
S.N.S. 1996, c. 7
O.I.C. 2007-200 (April 4, 2007, effective on and after April 1, 2008, except Sections 1 to 6 which are effective on and after October 1, 2007), N.S. Reg. 209/2007

Citation

1 These regulations may be cited as the *Violence in the Workplace Regulations.*

Definitions

2 In these regulations,

(a) "Act" means the *Occupational Health and Safety Act;*

(b) "adequate" means sufficient to protect a person from injury or damage to health;

(c) "committee" means committee as defined in the Act;

(d) "health care workplace" means any of the following:

(i) a district health authority under the *Health Authorities Act,*

(ii) a nursing home, a home for the aged, a residential care facility under the *Homes for Special Care Act* or any other long-term-care facility, and

(iii) a place where emergency health services or home care services are provided;

(e) "representative" means representative as defined in the Act;

(f) "violence" means any of the following:

(i) threats, including a threatening statement or threatening behaviour that gives an employee reasonable cause to believe that the employee is at risk of physical injury,

(ii) conduct or attempted conduct of a person that endangers the physical health or physical safety of an employee.

Violence as an occupational health and safety hazard

3 These regulations do not diminish the responsibility of all workplace parties to recognize violence as a occupational health and safety hazard in carrying out their precautions and duties under the Act.

Application of these regulations

4 These regulations apply at any workplace where the primary business is any of the following:

(a) health services, including services provided at a healthcare workplace;

(b) ambulance, emergency ambulance and emergency health services provided under the *Emergency Health Services Act;*

(c) medical services;

(d) dental services;

(e) veterinary services;

(f) blood collection services;

(g) testing and diagnostic services;

(h) pharmaceutical-dispensing services, including facilities operating under the *Pharmacy Act;*

(i) education services provided by institutions including any of the following:

(i) the Nova Scotia Community College,

(ii) a degree granting institution designated under the *Degree Granting Act,*

(iii) a private career college registered under the *Private Career Colleges Regulation Act,*

(iv) a school governed by the *Education Act;*

(j) policing services, detective services and other law enforcement services including services provided under the *Police Act,* the *Police Services Act* and the *Constables Act;*

(k) correctional services, including services provided at any of the following:

(i) a correctional facility as defined in the *Corrections Act,*

(ii) a facility under the *Correctional Services Act,*

(iii) a facility under the *Court Houses and Lockup Houses Act,*

(iv) a place or facility designated as a youth custody facility under subsection 85(2) of the *Youth Criminal Justice Act* (Canada),

(v) a place or facility designated as a place of temporary detention

under subsection 30(1) of the *Youth Criminal Justice Act* (Canada);

(l) probation services provided by a probation officer or assistant probation officer appointed under the *Correctional Services Act;*

(m) security and related services including, licensees under the *Private Investigators and Private Guards Act;*

(n) crisis counseling and intervention services including, any services provided by an agency as defined in the *Children and Family Services Act;*

(o) retail sales;

(p) delivery services, including parcel delivery services;

(q) financial services including, services provided by any of the following:

(i) facilities operating under the *Trust and Loan Companies Act,*

(ii) facilities operating under the *Credit Union Act,*

(iii) insurer licensed to carry on business under the *Insurance Act,*

(iv) a money lender under the *Money-lenders Act;*

(r) sales of liquor or providing premises for consuming liquor including, premises licensed under the *Liquor Control Act;*

(s) taxi services;

(t) passenger transit services;

(u) gaming activities conducted and managed under the *Gaming Control Act;*

(v) services provided by or on behalf of the departments, offices and special operating agencies established under the *Public Service Act* that involve regular interaction with the public;

(w) homemakers services as defined in the *Homemakers Services Act.*

Violence risk assessment

5 (1) An employer must conduct a violence risk assessment for each of their workplaces in accordance with this Section to determine if there is a risk of violence in the workplace and prepare a written report concerning the violence risk assessment detailing the extent and nature of any risk identified by the assessment.

(2) In conducting a violence risk assessment, an employer must take all of the

following into consideration:

(a) violence that has occurred in the workplace in the past;

(b) violence that is known to occur in similar workplaces;

(c) the circumstances in which work takes place;

(d) the interactions that occur in the course of performing work;

(e) the physical location and layout of the workplace.

(3) An employer must consult with any committee established at the workplace when conducting a violence risk assessment and must provide the committee with a copy of the written report of the assessment.

(4) An employer must consult with any representative selected at the workplace when conducting a violence risk assessment and must provide the representative with a copy of the written report of the assessment.

When new violence risk assessment required

6 (1) An employer must conduct a new violence risk assessment for a workplace in any of the following circumstances:

(a) the employer becomes aware of a type of violence occurring in similar workplaces that was not taken into consideration when the previous violence risk assessment was conducted;

(b) there is a significant change in any of the following:

(i) the circumstances in which work takes place,

(ii) the interactions that occur in the course of performing work,

(iii) the physical location or layout of the workplace;

(c) the employer plans to construct a new facility or renovate an existing facility;

(d) the employer is ordered to do so by an officer.

(2) An employer must conduct a new violence risk assessment for each of their workplaces at least every 5 years.

Workplace violence prevention plan

7 (1) An employer must establish and implement a workplace violence prevention plan for each workplace for which a significant risk of violence is identified through a violence risk assessment or that an officer orders a plan for.

(2) As part of a workplace violence prevention plan, an employer must do all of the following:

(a) prepare a written workplace violence prevention statement;

(b) either

(i) take and document reasonable measures to minimize and, to the extent possible, eliminate the risk of violence in the workplace, or

(ii) adopt a code of practice on violence in the workplace published by the Director governing the primary business conducted at the employer's workplace;

(c) establish and document procedures for providing employees with the information and training required by Sections 10 and 11;

(d) establish and document procedures for reporting, documenting and investigating incidents of violence as required by Sections 12 and 13.

(3) An employer must consult with any committee established at the workplace when establishing, reviewing or revising a workplace violence prevention plan.

(4) An employer must consult with any representative selected at the workplace when establishing, reviewing or revising a workplace violence prevention plan.

(5) An employer must make a copy of the workplace violence prevention plan available for examination at the workplace by any employer, contractor, constructor, supplier, employee, owner or self-employed person in that workplace.

Review and revision of workplace violence prevention plan

8 (1) If a new violence risk assessment indicates a significant change to the extent and nature of the risk of violence, an employer who is required to establish and implement a workplace violence prevention plan must ensure that the plan is reviewed and, if necessary, revised.

(2) At least every 5 years, an employer who is required to establish and implement a workplace violence prevention plan must ensure that the plan is reviewed and, if necessary, revised.

Workplace violence prevention statement

9 (1) An employer must prepare a workplace violence prevention statement that includes all of the following:

(a) a statement of the employer's recognition that violence is an occupational health and safety hazard at the workplace;

(b) a statement of the employer's recognition of the physical and emotional harm resulting from violence;

(c) a statement of the employer's recognition that any form of violence in the workplace is unacceptable;

(d) a statement of the employer's commitment to minimize and, to the extent possible, eliminate the risk of violence in the workplace.

(2) An employer must post a copy of their workplace violence prevention statement in a prominent place or places in each of their workplaces so it can be easily accessed by employees, and must ensure that it remains posted.

Information that must be provided to employees

10 (1) An employer must provide an employee who is exposed to a significant risk of violence in a workplace with information on the nature and extent of the risk and on any factors that may increase or decrease the extent of the risk.

(2) Except as prohibited by law the duty to provide information to an employee under subsection (I) includes a duty to provide information related to a risk of violence from a person who has a history of violent behavior if that person is likely to be encountered by the employee.

Training and supervision for employees

11 (1) In accordance with the procedure in an employer's workplace violence prevention plan, an employer must provide adequate training on all of the following for any employee who is exposed to a significant risk of violence:

(a) the rights and responsibilities of employees under the Act;

(b) the workplace violence prevention statement;

(c) the measures taken by the employer to minimize or eliminate the risk of violence;

(d) how to recognize a situation in which there is a potential for violence and how to respond appropriately;

(e) how to respond to an incident of violence, including how to obtain assistance;

(f) how to report, document and investigate incidents of violence.

(2) An employer must provide any employee who is required by the employer to perform a function under the workplace violence prevention plan with training on the plan generally and on the particular function to be performed by the employee.

Duty to report incidents of violence

12 An employer, contractor, constructor, supplier, employee, owner or self-employed person in the workplace has a duty to report all incidents of violence in a workplace to the employer.

Documentation, investigation and actions to prevent reoccurrence

13 (1) An employer must ensure that incidents of violence in a workplace are documented and promptly investigated to determine their causes and the actions needed to prevent reoccurrence in accordance with the procedures established under clause 7(2)(d).

(2) An employer must ensure that notice of the actions taken to prevent reoccurrence of an incident of violence are given to all of the following:

(a) any employee affected by the incident of violence;

(b) any committee established at the workplace;

(c) any representative selected at the workplace.

Dealing with employees exposed to or affected by violence

14 An employer must provide an employee who has been exposed to or affected by violence at the workplace with an appropriate debriefing and must advise the employee to consult a health professional of the employee's choice for treatment or counseling.

Employers with multiple temporary workplaces

15 Despite anything in these regulations, an employer who has employees performing work at multiple temporary workplaces is not required to conduct a violence risk assessment or prepare a workplace violence prevention plan for each individual workplace if the employer conducts a violence risk assessment and prepares a workplace violence prevention plan that covers similar workplaces collectively and takes into account the circumstances and interactions that an employee is likely to encounter in the performance of their work.

Ability to meet duties collectively

16 (1) Despite anything in these regulations, 2 or more employers may enter into a written agreement to collectively provide and maintain the statements, plans and services required under these regulations.

(2) A copy of any agreement made under subsection (I) must be kept by each of the employers and must be provided to any of the following, engaged at the workplace of 1 of the employers, who request a copy:

(i) an employee,

(ii) a contractor,

(iii) a constructor,

(iv) a supplier,

(v) an owner or self-employed person,

(vi) an officer.